

Senate Bill 53

Primary Sponsor: Robyn Driscoll

By Request of the Public Defender Commission

" An act revising penalties and eliminating jail time for certain misdemeanor offenses; amending sections 45-6-301, 45-6-302, 45-6-305, 45-6-316, 45-8-101, 45-8-111, 61-5-102, 61-5-212, and 61-6-304, MCA; and providing an effective date an applicability date."

Section 1: Theft

- For first offense of theft of property not exceeding \$1,500, the option of a jail term is eliminated.

Section 2: Theft of lost or mislaid property

- Amends the punishment section so that a person convicted of theft of lost/mislaid property *not* exceeding \$1,500 cannot be fined more than \$500. A convicted theft exceeding \$1,500 shall be fined not more than \$500 or be imprisoned in the county jail for no more than 6 months.

Section 3: Theft of labor or services or use of property

- Use of another person's property, labor, or services w/o consent of person providing the property, labor, or services.
- Removes jail term for first offense. Fine not more than \$500.
- For second and subsequent offenses jail term not to exceed 6 months and fine not to exceed \$500.

Section 4: Issuing a bad check

- First offense not to be fined more than \$1,500, removes jail term of 6 months.
- If value of property obtained exceeds \$1,500 the fine for punishment shall not exceed \$50,000 with a maximum state prison term of 10 years.

Section 5: Disorderly conduct

- Disorderly conduct, excluding false bomb threats in a place that would endanger human life, shall have a fine limit of \$100 and/or a jail term not to exceed 1 day.
- In the case of a false bomb threat, fine cannot exceed \$1,000 and/or imprisonment in county jail not to exceed 1 year.

Section 6: Public nuisance

- Removes jail term from conviction. Fine not to exceed \$500. Each day of the conduct constitutes a separate offense.

Section 7: Drivers to be licensed – penalties

- For all violations, the penalty shall not exceed \$500. Regardless of the number of violations, imprisonment is not an option.

Section 8: Driving while license suspended or revoked – penalty – second offense of driving without valid license or licensing exemption – seizure of vehicle or rendering vehicle inoperable.

- A person convicted of driving w/o a valid driver's license or w/o proof of a statutory exemption for the second time or driving during a suspension or revocation shall not be fined more than \$500. Imprisonment no longer an option.

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- First offense under 61-6-301 or 61-6-302 (failure to have motor vehicle insurance and proof of that insurance in vehicle) punishable of a fine between \$250 and \$500. Eliminates imprisonment option. Second conviction is punishable by a fine of \$350. Eliminates imprisonment option. Third or subsequent conviction is punishable by a fine of \$500 or imprisonment in county jail for not more than 6 months, or both.

Section 10: Effective July 1, 2013**Section 11: Applicable to offenses committed on or after July 1, 2013**

Senate Bill 53**Primary Sponsor: Robyn Driscoll****By Request of the Public Defender Commission**

" An act revising penalties and eliminating jail time for certain misdemeanor offenses; amending sections 45-6-301, 45-6-302, 45-6-305, 45-6-316, 45-8-101, 45-8-111, 61-5-102, 61-5-212, and 61-6-304, MCA; and providing an effective date an applicability date."

Section 1: Theft

- For first offense of theft of property not exceeding \$1,500, the option of a jail term is eliminated.

Section 2: Theft of lost or mislaid property

- Amends the punishment section so that a person convicted of theft of lost/mislaid property *not* exceeding \$1,500 cannot be fined more than \$500. A convicted theft exceeding \$1,500 shall be fined not more than \$500 or be imprisoned in the county jail for no more than 6 months.

Section 3: Theft of labor or services or use of property

- Use of another person's property, labor, or services w/o consent of person providing the property, labor, or services.
- Removes jail term for first offense. Fine not more than \$500.
- For second and subsequent offenses jail term not to exceed 6 months and fine not to exceed \$500.

Section 4: Issuing a bad check

- First offense not to be fined more than \$1,500, removes jail term of 6 months.
- If value of property obtained exceeds \$1,500 the fine for punishment shall not exceed \$50,000 with a maximum state prison term of 10 years.

Section 5: Disorderly conduct

- Disorderly conduct, excluding false bomb threats in a place that would endanger human life, shall have a fine limit of \$100 and/or a jail term not to exceed 1 day.
- In the case of a false bomb threat, fine cannot exceed \$1,000 and/or imprisonment in county jail not to exceed 1 year.

Section 6: Public nuisance

- Removes jail term from conviction. Fine not to exceed \$500. Each day of the conduct constitutes a separate offense.

Section 7: Drivers to be licensed – penalties

- For all violations, the penalty shall not exceed \$500. Regardless of the number of violations, imprisonment is not an option.

Section 8: Driving while license suspended or revoked – penalty – second offense of driving without valid license or licensing exemption – seizure of vehicle or rendering vehicle inoperable.

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